

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0797.01 Jennifer Berman x3286

HOUSE BILL 24-1338

HOUSE SPONSORSHIP

Rutinel and Velasco,

SENATE SPONSORSHIP

Michaelson Jenet,

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ADVANCE ENVIRONMENTAL JUSTICE BY**
102 **REDUCING CUMULATIVE IMPACTS OF AIR POLLUTION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

House Bill 21-1266, enacted in 2021, authorized the creation of the environmental justice action task force to develop recommendations for measures to achieve environmental justice in the state. The task force completed its work and published a final report on November 14, 2022, which report included a recommendation for the development of environmental equity and cumulative impact analyses (EECIA) in the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

state.

Section 2 of the bill creates the office of environmental justice (office) in the department of public health and environment (CDPHE) and **section 1** requires the office to oversee a process to develop at least 2 EECIAs for specific geographic locations in the state. Once an EECIA is developed, various state agencies will be able to rely on the EECIA in conducting cumulative impact analyses regarding potentially polluting activities.

The office must choose as locations for the EECIAs communities that are disproportionately impacted communities, with priority given to communities that have a heightened potential for widespread human exposure to environmental contaminants. After selecting a location for an EECIA, CDPHE must contract with an academic institution or other third party to develop an EECIA. In developing an EECIA, the applicable contractor must perform a scientifically rigorous analysis that includes most of the recommendations made by the environmental justice action task force.

Section 3 makes a technical change regarding the assessment of civil penalties for air quality law violations.

On or after January 1, 2026, **section 4** authorizes the elected officials of a city, town, county, or city and county (local governing body) to request that the air quality control commission (commission) impose limits on any new or increased operational emissions of certain health-related air pollutants that would affect individuals located in the geographic region governed by the local governing body. To obtain approval of such a request, the local governing body must demonstrate to the commission's satisfaction that:

- The geographic region over which the local governing body has jurisdiction is cumulatively impacted by pollution; and
- An agency of the local government governed by the local governing body has a process to review exemption requests from the limits on any new or increased operational emissions.

An approved request for limits expires after 5 years and the local governing body must renew its request to further continue the limits. The commission may rescind its approval of the limits if the commission determines that the local governing body is not complying with its own processes regarding the limits.

On or before January 1, 2025, the division of administration (division) in CDPHE is required under **section 5** to hire a petroleum refinery regulation expert to examine whether a specific petroleum refinery rule should be adopted by the commission and examine other regulatory or nonregulatory measures performed.

Section 5 requires a petroleum refinery in the state to comply with

certain monitoring requirements to provide real-time emissions monitoring data to the division.

Section 5 also requires the division to establish a rapid response inspection team to respond quickly to air quality complaints received. Once the team is established, the team is required to develop processes and best practices for quickly responding to such complaints and to engage in outreach to communities regarding events and conditions that lead to excess air pollution emissions in communities.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 25-1-133 as follows:

4 **25-1-133. Environmental equity and cumulative impact**
5 **analyses - selection of contractor - required components of analyses**
6 **- selection of locations - requirements for contractors - definitions -**

7 **report.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "COLORADO ENVIROSCREEN TOOL" HAS THE MEANING SET
10 FORTH IN SECTION 24-4-109 (5)(a)(II).

11 (b) "CONTRACTOR" MEANS AN ACADEMIC INSTITUTION OR OTHER
12 PARTY WITH WHICH THE DEPARTMENT CONTRACTS TO DEVELOP AN
13 EECIA.

14 (c) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
15 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

16 (d) "ENVIRONMENTAL EQUITY AND CUMULATIVE IMPACT
17 ANALYSIS" OR "EECIA" MEANS A CUMULATIVE IMPACT ANALYSIS FOR A
18 SPECIFIC GEOGRAPHIC AREA OF THE STATE DEVELOPED IN ACCORDANCE
19 WITH THIS SECTION.

20 (e) "EPA'S CUMULATIVE IMPACT ANALYSIS RECOMMENDATIONS"
21 MEANS THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S

1 "CUMULATIVE IMPACTS RESEARCH: RECOMMENDATIONS FOR EPA'S
2 OFFICE OF RESEARCH AND DEVELOPMENT", PUBLISHED ON SEPTEMBER 30,
3 2022.

4 (f) "FINAL REPORT OF THE TASK FORCE" MEANS THE "FINAL
5 REPORT OF RECOMMENDATIONS" PUBLISHED BY THE TASK FORCE ON
6 NOVEMBER 14, 2022.

7 (g) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
8 CITY, TOWN, CITY AND COUNTY, OR COUNTY.

9 (h) "OFFICE OF ENVIRONMENTAL JUSTICE" OR "OFFICE" MEANS THE
10 OFFICE OF ENVIRONMENTAL JUSTICE CREATED IN SECTION 25-1-133.5
11 (1)(a).

12 (i) "TASK FORCE" MEANS THE ENVIRONMENTAL JUSTICE ACTION
13 TASK FORCE CREATED BY THE GENERAL ASSEMBLY IN 2021 THROUGH THE
14 ENACTMENT OF HOUSE BILL 21-1266.

15 (2) THE DEPARTMENT SHALL SELECT ONE OR MORE CONTRACTORS
16 TO DEVELOP TWO OR MORE ENVIRONMENTAL EQUITY AND CUMULATIVE
17 IMPACT ANALYSES FOR THE STATE. EACH EECIA:

18 (a) MUST COVER A GEOGRAPHIC AREA OF THE STATE THAT
19 INCLUDES A GROUP OF MOSTLY CONTIGUOUS CENSUS BLOCK GROUPS AND
20 OTHER SURROUNDING AREAS THAT MEET THE DEFINITION OF
21 DISPROPORTIONATELY IMPACTED COMMUNITIES;

22 (b) MAY BE CONDUCTED FOR A COMMUNITY LOCATED ON THE UTE
23 MOUNTAIN UTE OR SOUTHERN UTE INDIAN RESERVATION ONLY IF
24 REQUESTED BY THE GOVERNING BODY OF THE AFFECTED TRIBE AND
25 FOLLOWING CONSULTATION WITH AND APPROVAL BY THE GOVERNING
26 BODY;

27 (c) ONCE DEVELOPED, MAY BE USED BY ANY STATE AGENCY FOR

1 THE PURPOSE OF ANALYZING CUMULATIVE IMPACTS;

2 (d) MUST PERFORM A SCIENTIFICALLY RIGOROUS ANALYSIS THAT
3 INCLUDES MOST OF THE COMPONENTS RECOMMENDED IN THE FINAL
4 REPORT OF THE TASK FORCE, AS REFLECTED ON PAGES THIRTEEN THROUGH
5 FIFTEEN OF THE FINAL REPORT OF THE TASK FORCE; ■

6 (e) SHOULD IDENTIFY KEY PROBLEMS AND INDICATORS OF
7 CUMULATIVE IMPACTS AND HOW THOSE PROBLEMS AND INDICATORS CAN
8 BE AVOIDED, MINIMIZED, AND MITIGATED, BUT SHOULD NOT RECOMMEND
9 SOLUTIONS TO INDIVIDUAL AGENCIES; AND

10 (f) SHOULD EMPOWER AGENCIES AND LOCAL GOVERNMENTS TO
11 SCORE, EVALUATE, OR COMPARE ALTERNATIVE MITIGATION OPTIONS
12 PROPOSED FOR FUTURE PROJECTS TO ENSURE THAT THE FUTURE PROJECTS
13 ARE EFFECTIVE WHILE CONSIDERING POTENTIAL UNINTENDED
14 CONSEQUENCES.

15 (3) (a) THE OFFICE OF ENVIRONMENTAL JUSTICE SHALL SELECT
16 LOCATIONS FOR THE ENVIRONMENTAL EQUITY AND CUMULATIVE IMPACT
17 ANALYSES AND OVERSEE THE DEPARTMENT'S SELECTION OF A
18 CONTRACTOR PURSUANT TO SUBSECTION (2) OF THIS SECTION.

19 (b) BY A DEADLINE DETERMINED BY THE OFFICE AND POSTED
20 CONSPICUOUSLY ON THE DEPARTMENT'S WEBSITE, A LOCAL GOVERNMENT,
21 A GROUP OF LOCAL GOVERNMENTS, AN ELECTED OFFICIAL, THE
22 GOVERNING BODY OF AN AFFECTED TRIBE FOR ANY REQUEST WITHIN THE
23 BOUNDARIES OF THE UTE MOUNTAIN UTE OR SOUTHERN UTE INDIAN
24 RESERVATION, A NONPROFIT ORGANIZATION, OR ANY OTHER INTERESTED
25 PERSON MAY SUBMIT A FORMAL WRITTEN REQUEST TO THE OFFICE TO
26 SELECT A LOCATION FOR AN EECIA. IN SELECTING THE LOCATIONS FOR
27 THE EECIAS, THE OFFICE SHALL:

- 1 (I) PRIORITIZE LOCATIONS THAT:
- 2 (A) ARE MOST IMPACTED BY ENVIRONMENTAL CONTAMINANTS;
- 3 (B) HAVE THE POTENTIAL FOR WIDESPREAD HUMAN EXPOSURE TO
- 4 THE ENVIRONMENTAL CONTAMINANTS; AND
- 5 (C) INCLUDE A GREATER PROPORTION OF INDIVIDUALS WITH
- 6 HEIGHTENED VULNERABILITY TO THE ENVIRONMENTAL CONTAMINANTS;
- 7 (II) USE THE COLORADO ENVIROSCREEN TOOL TO HELP PRIORITIZE
- 8 LOCATIONS WITH DISPROPORTIONATE ENVIRONMENTAL HEALTH BURDENS;
- 9 AND
- 10 (III) SEEK INPUT FROM VARIOUS GROUPS OF INTERESTED
- 11 STAKEHOLDERS IN THE SELECTION PROCESS.
- 12 (c) IN SELECTING THE CONTRACTOR FOR AN EECIA LOCATION
- 13 SELECTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION, THE OFFICE
- 14 SHALL:
- 15 (I) BE TRANSPARENT WITH REGARD TO ANY SELECTION CRITERIA
- 16 USED IN THE SELECTION PROCESS;
- 17 (II) ENGAGE STAKEHOLDERS FOR FEEDBACK ON HOW TO DESIGN
- 18 THE SELECTION PROCESS; AND
- 19 (III) FOR AN EECIA STUDYING ANY LANDS WITHIN THE
- 20 BOUNDARIES OF THE UTE MOUNTAIN UTE OR SOUTHERN UTE INDIAN
- 21 RESERVATION, CONSULT WITH THE GOVERNING BODY OF THE AFFECTED
- 22 TRIBE AND SELECT A CONTRACTOR ONLY WITH THE GOVERNING BODY'S
- 23 CONSENT.
- 24 (4) (a) IN DEVELOPING THE ENVIRONMENTAL EQUITY AND
- 25 CUMULATIVE IMPACT ANALYSES, A CONTRACTOR SELECTED PURSUANT TO
- 26 SUBSECTION (2) OF THIS SECTION SHALL, WITH INPUT FROM INTERESTED
- 27 STAKEHOLDERS, SET TIMELINES AND MILESTONES FOR COMPLETION OF AN

1 EECIA AND SUBMIT THE PROPOSED TIMELINES AND MILESTONES TO THE
2 OFFICE FOR REVIEW AND APPROVAL.

3 (b) THE OFFICE SHALL POST IN A CONSPICUOUS LOCATION ON THE
4 DEPARTMENT'S PUBLIC-FACING WEBSITE THE APPROVED TIMELINES AND
5 MILESTONES FOR EACH CONTRACTOR TO COMPLETE AN EECIA AND
6 PERIODICALLY POST UPDATES ON WHETHER EACH CONTRACTOR HAS MET
7 THE TIMELINES AND MILESTONES.

8 (5) A CONTRACTOR SELECTED PURSUANT TO SUBSECTION (3)(c) OF
9 THIS SECTION SHALL:

10 (a) WITH OVERSIGHT FROM THE OFFICE, REVIEW EXISTING
11 CUMULATIVE IMPACT ANALYSIS FRAMEWORKS SUCH AS THE EPA'S
12 CUMULATIVE IMPACT ANALYSIS RECOMMENDATIONS OR FRAMEWORKS
13 FROM OTHER STATES OR JURISDICTIONS;

14 (b) ESTABLISH A PROCESS FOR INTERESTED STAKEHOLDERS TO
15 SUBMIT INPUT REGARDING AN EECIA AND FOR THE CONTRACTOR TO
16 REVIEW ANY INPUT SUBMITTED;

17 (c) EXTENSIVELY ENGAGE INTERESTED STAKEHOLDERS AND THE
18 OFFICE THROUGHOUT THE EECIA DEVELOPMENT PROCESS; AND

19 (d) ENSURE THAT AN EECIA IS CRAFTED TO BE COMPREHENSIBLE,
20 EASY TO UTILIZE, AND ACCESSIBLE. AS USED IN THIS SUBSECTION (5)(d),
21 "ACCESSIBLE" INCLUDES ENSURING THAT THE DATA SUPPORTING AN
22 EECIA IS TRANSPARENT, TRANSLATED FROM ENGLISH INTO THE TWO
23 MOST PREVALENT OTHER LANGUAGES SPOKEN IN THE RELEVANT
24 COMMUNITY, AND MADE READILY AVAILABLE TO COMMUNITIES.

25 (6) (a) EXCEPT AS PROVIDED IN SUBSECTION (6)(b) OF THIS
26 SECTION, THE DEPARTMENT MAY SOLICIT, ACCEPT, AND EXPEND GIFTS,
27 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES TO HELP

1 FINANCE THE DEVELOPMENT OF ENVIRONMENTAL EQUITY AND
2 CUMULATIVE IMPACT ANALYSES PURSUANT TO THIS SECTION.

3 (b) THE DEPARTMENT SHALL NOT ACCEPT GIFTS, GRANTS, OR
4 DONATIONS FROM INDUSTRY INTERESTS. AS USED IN THIS SUBSECTION
5 (6)(b), "INDUSTRY INTEREST" MEANS AN ENTITY THAT CURRENTLY HOLDS
6 OR THAT APPLIED TO RECEIVE A PERMIT OR LICENSE FROM THE DIVISION OF
7 ADMINISTRATION OR THE HAZARDOUS MATERIALS AND WASTE
8 MANAGEMENT DIVISION.

9 (7) (a) WITHIN NINE MONTHS AFTER COMPLETING THE FIRST
10 EECIA, THE DEPARTMENT SHALL PREPARE A REPORT REGARDING THE
11 EECIA AND SUBMIT THE REPORT TO THE HOUSE OF REPRESENTATIVES
12 ENERGY AND ENVIRONMENT COMMITTEE AND THE SENATE
13 TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR
14 COMMITTEES.

15 (b) THE REPORT MUST INCLUDE:

16 (I) RECOMMENDATIONS FOR IMPLEMENTING THE FINDINGS OF THE
17 EECIA; AND

18 (II) IDENTIFICATION OF ANY RESOURCES OR STEPS NECESSARY FOR
19 THE DEPARTMENT OR OTHER AGENCIES TO IMPLEMENT THE FINDINGS OF
20 THE EECIA ONCE THE EECIA IS DEVELOPED.

21 (c) IN PREPARING THE REPORT, THE DEPARTMENT SHALL CONSULT
22 WITH:

23 (I) THE COLORADO ENERGY OFFICE CREATED IN SECTION
24 24-38.5-101 (1);

25 (II) THE DEPARTMENT OF NATURAL RESOURCES CREATED IN
26 SECTION 24-1-124 (1);

27 (III) THE DEPARTMENT OF AGRICULTURE CREATED IN SECTION

1 35-1-103;

2 (IV) THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION
3 40-2-101 (1)(a);

4 (V) THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION
5 24-1-128.7 (1); AND

6 (VI) REPRESENTATIVES OF DISPROPORTIONATELY IMPACTED
7 COMMUNITIES.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 25-1-133.5 as
9 follows:

10 **25-1-133.5. Office of environmental justice - created - powers**
11 **and duties - definitions.** (1) (a) THERE IS CREATED IN THE DEPARTMENT
12 THE OFFICE OF ENVIRONMENTAL JUSTICE, THE HEAD OF WHICH IS THE
13 DIRECTOR OF THE OFFICE, WHO SHALL BE APPOINTED BY THE EXECUTIVE
14 DIRECTOR OF THE DEPARTMENT AND MAY EMPLOY STAFF AS NECESSARY
15 TO CARRY OUT THE POWERS AND DUTIES OF THE OFFICE. THE OFFICE IS A
16 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS
17 POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE
18 DEPARTMENT.

19 (b) IN CARRYING OUT ITS POWERS AND DUTIES, THE OFFICE MAY
20 COLLABORATE WITH THE ENVIRONMENTAL JUSTICE OMBUDSPERSON
21 APPOINTED PURSUANT TO SECTION 25-1-134 (1)(b), THE ENVIRONMENTAL
22 JUSTICE ADVISORY BOARD CREATED IN SECTION 25-1-134 (2)(a),
23 DISPROPORTIONATELY IMPACTED COMMUNITIES, LOCAL GOVERNMENTS,
24 OTHER STATE AGENCIES, THE FEDERAL GOVERNMENT, AND OTHER
25 INTERESTED PARTIES.

26 (2) THE OFFICE SHALL:

27 (a) INCREASE STATE GOVERNMENT ENGAGEMENT WITH AND

1 RESPONSIVENESS TO DISPROPORTIONATELY IMPACTED COMMUNITIES;

2 (b) DEVELOP AND MANAGE THE DEPARTMENT'S ENVIRONMENTAL
3 JUSTICE GOALS, METRICS, AND OBJECTIVES;

4 (c) WORK WITH THE ENVIRONMENTAL DIVISIONS WITHIN THE
5 DEPARTMENT, THE ENVIRONMENTAL JUSTICE OMBUDSPERSON, AND THE
6 ENVIRONMENTAL JUSTICE ADVISORY BOARD TO IMPLEMENT STATUTORY
7 ENVIRONMENTAL JUSTICE MANDATES, INCLUDING BENCHMARKS AND
8 TARGETS SET FORTH IN THE "ENVIRONMENTAL JUSTICE ACT", AS ENACTED
9 IN 2021 BY HOUSE BILL 21-1266;

10 (d) WORK WITH THE DIVISION OF ADMINISTRATION TO IMPLEMENT
11 PART 10 OF ARTICLE 8 OF THIS TITLE 25 CONCERNING MOBILE HOME WATER
12 QUALITY BY LEADING COMMUNITY ENGAGEMENT EFFORTS WITH MOBILE
13 HOME PARK RESIDENTS;

14 (e) COORDINATE ENVIRONMENTAL JUSTICE WORK WITHIN THE
15 DEPARTMENT AND WITH OTHER STATE AGENCIES AS WELL AS FEDERAL,
16 LOCAL, AND TRIBAL GOVERNMENT PARTNERS;

17 (f) ADVANCE THE DEPARTMENT'S LANGUAGE JUSTICE GOALS BY
18 PROVIDING TRANSLATION AND INTERPRETATION SERVICES FOR THE
19 DEPARTMENT'S ENVIRONMENTAL DIVISIONS; AND

20 (g) IDENTIFY DISPROPORTIONATELY IMPACTED COMMUNITIES
21 BASED ON THE BEST-AVAILABLE DATA AND SPATIAL ANALYSIS
22 TECHNOLOGY, INCLUDING THE COLORADO ENVIROSCREEN TOOL.

23 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (a) "COLORADO ENVIROSCREEN TOOL" HAS THE MEANING SET
26 FORTH IN SECTION 24-4-109 (5)(a)(II).

27 (b) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE

1 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

2 (c) "OFFICE" MEANS THE OFFICE OF ENVIRONMENTAL JUSTICE
3 CREATED IN SUBSECTION (1)(a) OF THIS SECTION.

4 **SECTION 3.** In Colorado Revised Statutes, 25-7-123.1, **amend**
5 (1)(b) as follows:

6 **25-7-123.1. Statute of limitations - penalty assessment -**
7 **criteria.** (1) (b) Without expanding the statute of limitations contained
8 in subsection (1)(a) of this section, any action commenced ~~including~~ FOR
9 the assessment of civil penalties, pursuant to this article 7, except those
10 commenced pursuant to section 25-7-122 (1)(d) or 25-7-122.1 (1)(c), that
11 is not commenced within eighteen months after the date upon which the
12 division discovers the alleged violation is time barred. For purposes of
13 this section, the division discovers the alleged violation when it learns of
14 the alleged violation or should have learned of the alleged violation by the
15 exercise of reasonable diligence, including by receipt of actual or
16 constructive notice.

17

18 **SECTION 4.** In Colorado Revised Statutes, **add** 25-7-146 and
19 25-7-147 as follows:

20 **25-7-146. Petroleum refinery pollution - assessment -**
21 **monitoring data - rules - definitions.** (1) (a) ON OR BEFORE JANUARY
22 1, 2025, THE DIVISION SHALL HIRE AN EXPERT REGARDING AIR POLLUTION
23 CONTROL REGULATIONS FOR PETROLEUM REFINERIES. THE PETROLEUM
24 REFINERY REGULATION EXPERT SHALL:

25 (I) ASSESS THE FEASIBILITY, COSTS, AND BENEFITS FOR THE
26 DIVISION TO PROPOSE TO THE COMMISSION A RULE ESTABLISHING A
27 PETROLEUM REFINERY CONTROL REGULATION; AND

1 (II) ASSESS OTHER REGULATORY AND NONREGULATORY
2 MEASURES.

3 (b) AS PART OF THE ASSESSMENTS REQUIRED PURSUANT TO
4 SUBSECTION (1)(a) OF THIS SECTION, THE PETROLEUM REFINERY
5 REGULATION EXPERT SHALL:

6 (I) EVALUATE THE IMPACT THAT PETROLEUM REFINERIES HAVE ON
7 AIR QUALITY IN THE STATE, INCLUDING AN EVALUATION OF CRITERIA AIR
8 POLLUTANTS LISTED PURSUANT TO THE FEDERAL ACT AND HAZARDOUS AIR
9 POLLUTANTS;

10 (II) INVESTIGATE THE REGULATORY FRAMEWORK GOVERNING
11 PETROLEUM REFINERIES IN OTHER STATES AND AT THE FEDERAL LEVEL;

12 (III) IDENTIFY BEST PRACTICES AND TECHNOLOGIES FOR
13 MINIMIZING EMISSIONS FROM PETROLEUM REFINERIES; AND

14 (IV) DETERMINE ACTIONS NEEDED TO REDUCE EMISSIONS,
15 INCLUDING THE POTENTIAL FOR DEVELOPING A SPECIFIC PETROLEUM
16 REFINERY RULE. IF THE DIVISION DEEMS IT APPROPRIATE, THE DIVISION
17 SHALL PROPOSE A RULE SPECIFICALLY BASED ON THE EXPERT'S
18 ASSESSMENT ON OR BEFORE JULY 1, 2026.

19 (c) NOTWITHSTANDING THE TIMELINE SET FORTH IN SUBSECTION
20 (1)(b)(IV) OF THIS SECTION AND NOTWITHSTANDING ANY EXISTING
21 AUTHORITY THAT THE COMMISSION HAS UNDER THE LAW, THE
22 COMMISSION MAY ADOPT, AND THE DIVISION MAY PROPOSE, A RULE
23 ESTABLISHING A PETROLEUM REFINERY CONTROL REGULATION AT ANY
24 TIME.

25 (2) (a) ON AND AFTER JANUARY 1, 2025, A PETROLEUM REFINERY
26 IN THE STATE SHALL DISSEMINATE TO THE DIVISION, IN REAL TIME
27 THROUGH AN APPLICATION PROGRAMMING INTERFACE, PUSH DATA

1 GATHERED THROUGH:

2 (I) CONTINUOUS EMISSION MONITORING SYSTEMS AND
3 CONTINUOUS MONITORING SYSTEMS REQUIRED UNDER STATE OR FEDERAL
4 LAW;

5 (II) FENCELINE MONITORING SYSTEMS AS REQUIRED UNDER
6 SECTION 25-7-141 (5);

7 (III) COMMUNITY-BASED MONITORING REQUIRED UNDER SECTION
8 25-7-141 (6); AND

9 (IV) COMPLIANCE WITH A STATE-ISSUED COMPLIANCE ORDER.

10 (b) THE DATA DISSEMINATED TO THE DIVISION PURSUANT TO
11 SUBSECTION (2)(a) OF THIS SECTION MUST BE PROVIDED THROUGH THE
12 PUSH IN A ONE-MINUTE AVERAGED RESOLUTION.

13 (c) THE DIVISION SHALL DETERMINE THE FORMAT BY WHICH A
14 PETROLEUM REFINERY MUST TRANSMIT THE DATA TO THE DIVISION.

15 (3) (a) ON OR BEFORE DECEMBER 31, 2024, A PETROLEUM
16 REFINERY SHALL INSTALL AND OPERATE AT LEAST SIX COMMUNITY-BASED
17 MONITORING SYSTEMS TO MONITOR, AT A MINIMUM, FOR:

18 (I) BENZENE;

19 (II) TOLUENE;

20 (III) ETHYLBENZENE;

21 (IV) XYLENE;

22 (V) CARBON MONOXIDE;

23 (VI) NITROGEN DIOXIDE;

24 (VII) PM_{2.5};

25 (VIII) HYDROGEN SULFIDE;

26 (IX) SULFUR DIOXIDE;

27 (X) TOTAL VOLATILE ORGANIC COMPOUNDS;

- 1 (XI) TEMPERATURE;
- 2 (XII) RELATIVE HUMIDITY;
- 3 (XIII) WIND SPEED; AND
- 4 (XIV) WIND DIRECTION.

5 (b) THE COMMUNITY-BASED MONITORING SYSTEMS INSTALLED
6 AND OPERATED PURSUANT TO THIS SUBSECTION (3) MUST BE INSTALLED,
7 CERTIFIED, AND OPERATED IN ACCORDANCE WITH A PLAN DEVELOPED BY
8 THE DIVISION.

9 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "APPLICATION PROGRAMMING INTERFACE" MEANS A SET OF
12 RULES, PROTOCOLS, AND TOOLS THAT:

13 (I) ENABLE THE INTERACTION AND COMMUNICATION BETWEEN
14 SOFTWARE APPLICATIONS;

15 (II) SERVE AS AN INTERMEDIARY THAT FACILITATES THE
16 EXCHANGE OF DATA, REQUESTS, AND COMMANDS BETWEEN DISTINCT
17 SOFTWARE SYSTEMS, ALLOWING THE DISTINCT SOFTWARE SYSTEMS TO
18 WORK TOGETHER SEAMLESSLY; AND

19 (III) ENABLE THE DEVELOPMENT OF INTERCONNECTED AND
20 INTEROPERABLE APPLICATIONS.

21 (b) "COMMUNITY-BASED MONITORING" HAS THE MEANING SET
22 FORTH IN SECTION 25-7-141 (2)(a).

23 (c) "CONTINUOUS EMISSIONS MONITORING SYSTEM" MEANS THE
24 EQUIPMENT:

25 (I) REQUIRED TO MEET THE DATA ACQUISITION AND AVAILABILITY
26 REQUIREMENTS SET FORTH IN A CONSTRUCTION PERMIT OR A RENEWABLE
27 OPERATING PERMIT OR AS SET FORTH IN FEDERAL LAW; AND

1 (II) THAT IS USED TO SAMPLE; CONDITION, IF APPLICABLE;
2 ANALYZE; AND PROVIDE A RECORD OF EMISSIONS ON A CONTINUOUS BASIS.

3 (d) "CONTINUOUS MONITORING SYSTEM" MEANS A SET OF
4 INSTRUMENTS AND EQUIPMENT THAT IS DESIGNED TO CONTINUOUSLY
5 MEASURE AND RECORD VARIOUS PARAMETERS THAT MAY AFFECT
6 EMISSIONS OF AIR POLLUTANTS IN REAL TIME AND IS REQUIRED UNDER A
7 CONSTRUCTION PERMIT, A RENEWABLE OPERATING PERMIT, OR FEDERAL
8 LAW.

9 (e) "FENCELINE MONITORING" HAS THE MEANING SET FORTH IN
10 SECTION 25-7-141 (2)(e).

11 (f) "PETROLEUM REFINERY" MEANS A STATIONARY SOURCE
12 COVERED BY THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM
13 CODE 324110, AS ESTABLISHED BY THE FEDERAL OFFICE OF MANAGEMENT
14 AND BUDGET.

15 (g) "PM_{2.5}" MEANS PARTICULATE MATTER WITH A DIAMETER OF
16 LESS THAN TWO AND ONE-HALF MICROMETERS.

17 (h) "PUSH" MEANS, IN THE CONTEXT OF AN APPLICATION
18 PROGRAMMING INTERFACE, A MECHANISM BY WHICH A SERVER OR DATA
19 SOURCE PROACTIVELY SENDS INFORMATION OR UPDATES TO THE DIVISION
20 WITHOUT THE DIVISION EXPLICITLY REQUESTING THE INFORMATION.

21 (i) "REAL TIME" MEANS THE INSTANTANEOUS OR
22 NEAR-INSTANTANEOUS PROVISION OF DATA, WITHOUT A DELAY OF MORE
23 THAN FIFTEEN MINUTES, TO ENSURE THAT DATA IS CONVEYED PROMPTLY
24 AND WITHOUT UNDUE LATENCY.

25 **25-7-147. Rapid response inspection team.** (1) THE DIVISION
26 SHALL ESTABLISH A RAPID RESPONSE INSPECTION TEAM TO RESPOND
27 QUICKLY TO AIR QUALITY COMPLAINTS FILED WITH THE DIVISION. THE

1 DIVISION SHALL HIRE AND DEVELOP A TEAM TO SERVE AS THE RAPID
2 RESPONSE INSPECTION TEAM.

3 (2) THE RAPID RESPONSE INSPECTION TEAM SHALL DEVELOP
4 PROCESSES AND BEST PRACTICES FOR QUICKLY RESPONDING TO AIR
5 QUALITY COMPLAINTS FILED AND FOR GIVING PRIORITY TO AIR QUALITY
6 COMPLAINTS RELATED TO ADVERSE EFFECTS IN DISPROPORTIONATELY
7 IMPACTED COMMUNITIES OF THE STATE. THE RAPID RESPONSE TEAM SHALL
8 ALSO DEVELOP AND IMPLEMENT OUTREACH EFFORTS TO EDUCATE AND
9 ENGAGE WITH COMMUNITIES ABOUT EVENTS AND CONDITIONS THAT LEAD
10 TO EXCESS EMISSIONS WITHIN THE COMMUNITIES.

11 (3) THE RAPID RESPONSE INSPECTION TEAM SHALL NOT RESPOND
12 TO ANY ISSUE ARISING WITHIN THE BOUNDARIES OF THE SOUTHERN UTE
13 INDIAN OR UTE MOUNTAIN UTE RESERVATION ABSENT THE EXPRESS
14 CONSENT OF THE GOVERNING BODY OF THE AFFECTED TRIBE. THE RAPID
15 RESPONSE INSPECTION TEAM SHALL REFER ANY COMPLAINT WITHIN THE
16 JURISDICTION OF THE SOUTHERN UTE INDIAN OR UTE MOUNTAIN UTE
17 TRIBE TO THE ENVIRONMENTAL PROGRAMS DEPARTMENT OF THE
18 RELEVANT TRIBE AND MAY RESPOND TO THE COMPLAINT ONLY WITH THE
19 EXPRESS CONSENT OF THE GOVERNING BODY OF THE AFFECTED TRIBE.

20 **SECTION 5.** In Colorado Revised Statutes, 24-4-109, **amend**
21 (2)(b) introductory portion and (2)(b)(I) as follows:

22 **24-4-109. State engagement of disproportionately impacted**
23 **communities - definitions. (2) Definitions. (b)** As used in this section
24 and sections ~~25-1-133~~, 25-1-134 and 25-7-105 (1)(e), unless the context
25 otherwise requires:

26 (I) "Agency" means the air quality control commission created in
27 section 25-7-104 and, as used in this section and ~~sections 25-1-133 and~~

1 ~~25-1-134~~ SECTION 25-1-134, the water quality control commission created
2 in section 25-8-201 (1)(a). The portions of this subsection (2)(b)(I) that
3 apply to the water quality control commission are effective on July 1,
4 2023, except for the portions requiring the water quality control
5 commission to effectuate the requirements of subsections (3)(b)(I),
6 (3)(b)(II), (3)(b)(IV), and (3)(b)(V) of this section, which apply to any
7 rule-making proceedings of the commission concerning the classifications
8 and numeric standards for the South Platte river basin, Laramie river
9 basin, Republican river basin, and Smoky Hill river basin that occur after
10 June 8, 2022.

11 **SECTION 6. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.